

Attachment A

“ARTICLE 1. FIRE CODE

Section 3-3-100: ADOPTION.

Except as here after specifically set forth, the “California Building Standards Code, 2013 edition” is amended and that certain document entitled “International Fire Code, 2012 Edition,” published by the International Code Council with appendix chapters B, C and D as amended, is hereby adopted as the Fire Code of the City of San Leandro. However, in accordance with California Government Code Section 50022.4, no penalty clauses are adopted by reference. In the event an amendment to the California Building Standards Code results in differences between these building standards and the California Building Standards Code, the text of these building standards shall govern. In accordance with California Health and Safety Code Section 17958.7, express findings that modification to the California Building Standards Code are reasonably necessary because of local climatic, geological or topographical conditions are either already on file with the California Building Standards Commission, or will be filed prior to the effective date of this Ordinance. In accordance with California Government Code Section 50022.6, at least one true copy of the International Code has been on file with the San Leandro City Clerk fifteen (15) days prior to the enactment of the ordinance codified in this chapter. While this chapter is in force, a true copy of the International Fire Code shall be kept for public inspection in the office of the San Leandro City Clerk. A reasonable supply of the International Fire Codes shall be available in the office of the San Leandro City Clerk for public purchase.

Section 3-3-105: DELETIONS: ENFORCEMENT-ABATEMENT PROCEDURES

Chapter 1 is hereby deleted.

CHAPTER 1 SCOPE AND ADMINISTRATION

SECTION 101 GENERAL

101.1 Title.

These regulations shall be known as the Fire Code of San Leandro, hereinafter referred to as “this code.”

101.2 Scope.

This code establishes regulations affecting or relating to structures, processes,

premises and safeguards regarding:

1. The hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices;
2. Conditions hazardous to life, property or public welfare in the occupancy of structures or premises;
3. Fire hazards in the structure or on the premises from occupancy or operation;
4. Matters related to the construction, extension, repair, alteration or removal of fire suppression or alarm systems.
5. Conditions affecting the safety of fire fighters and emergency responders during emergency operations.

101.2.1 Appendices.

Provisions in the appendices shall not apply unless specifically adopted.

101.3 Intent.

The purpose of this code is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to fire fighters and emergency responders during emergency operations.

101.4 Severability.

If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

101.5 Validity.

In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions hereof, which are determined to be legal; and it shall be presumed that this code would have been adopted without such illegal or invalid parts or provisions.

SECTION 102 APPLICABILITY

102.1 RESERVED.

102.2 RESERVED.

102.3 RESERVED.

102.4 RESERVED.

102.5 RESERVED.

102.6 Historic buildings.

The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified as historic buildings when such buildings or structures do not constitute a distinct hazard to life or property. Fire protection in designated historic buildings and structures shall be provided in accordance with an approved fire protection plan.

102.7 Referenced codes and standards.

The codes and standards referenced in this code shall be those that are listed in Chapter 80 and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply.

102.8 Subjects not regulated by this code.

Where no applicable standards or requirements are set forth in this code, or are contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards, as approved, shall be deemed as prima facie evidence of compliance with the intent of this code. Nothing herein shall derogate from the authority of the Building Official or Fire Marshal to determine compliance with codes or standards for those activities or installations within the Building Official's or Fire Marshal's jurisdiction or responsibility.

102.9 RESERVED.

102.10 Conflicting provisions.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

102.11 Other laws.

The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

102.12 Application of references.

References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter section or provision of this code.

SECTION 103 DIVISION OF FIRE PREVENTION

103.1 General.

The environmental services and fire prevention divisions are established within the City of San Leandro. The function of the divisions are coordinated, with each division having separate responsibility for the implementation, administration and enforcement of the provisions of this code.

103.2 Appointment.

The Fire Marshal (or "fire code official") shall be appointed by the Fire Chief; and the fire code official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the Fire Chief.

103.3 Deputies.

In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the Fire Chief, the fire code official shall have the authority to appoint a deputy fire code official, other related technical officers, inspectors and other employees.

103.4 Liability.

The fire code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act required or permitted in the discharge of official duties.

103.4.1 Legal defense.

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The fire code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer or the department of fire prevention,

acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

SECTION 104 GENERAL AUTHORITY AND RESPONSIBILITIES

104.1 General.

The fire code official is hereby authorized to enforce the provisions of this code and shall have the authority to render interpretations of this code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code and shall not have the effect of waiving requirements specifically provided for in this code.

104.2 Applications and permits.

The fire code official and/or environmental services where noted below are authorized to receive applications, review construction documents and issue permits for construction regulated by this code, issue permits for operations regulated by this code, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

104.3 Right of entry.

Whenever it is necessary to make an inspection to enforce the provisions of this code, or whenever the fire code official has reasonable cause to believe that there exists in a building or upon any premises any conditions or violations of this code which make the building or premises unsafe, dangerous or hazardous, the fire code official shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the fire code official by this code. If such building or premises is occupied, the fire code official shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the fire code official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the fire code official has recourse to every remedy provided by law to secure entry.

104.3.1 Warrant.

When the fire code official has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner or occupant or person having charge, care or control of the building or premises shall not fail or neglect, after proper request is made as herein provided, to permit entry therein by the fire code

official for the purpose of inspection and examination pursuant to this code.

104.4 Identification.

The fire code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.5 Notices and orders.

The fire code official and/or environmental services are authorized to issue such notices or orders as are required to affect compliance with this code.

104.6 Official records.

The Building Official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records

104.6.1 Approvals.

A record of approvals shall be maintained by the Building Official and shall be available for public inspection during business hours in accordance with applicable laws.

104.6.2 Inspections.

The Building Official shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

104.6.3 Fire records.

The fire department shall keep a record of fires occurring within San Leandro and of facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, together with other information as required by the fire code official.

104.6.4 Administrative.

Application for modification, alternative methods or materials and the final decision of the fire code official shall be in writing and shall be officially recorded in the permanent records of the Building Official.

104.7 Approved materials and equipment.

All materials, equipment and devices shall be constructed and installed in accordance with such approval.

104.7.1 Material and equipment reuse.

Materials, equipment and devices shall not be reused or reinstalled unless such elements have been reconditioned tested and placed in good and proper working condition and approved.

104.7.2 Technical assistance.

To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design operation or use of a building or premises subject to inspection by the fire code official and/or environmental services, the fire code official and/or environmental services are authorized to require the owner or agent to provide, without charge to the jurisdiction, a technical opinion and report. The opinion or report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the fire code official and shall analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to recommend necessary changes. The fire code official and/or environmental services are authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

104.8 Modifications.

Whenever there are practical difficulties involved in carrying out the provisions of this code, the fire code official shall have the authority to grant modifications for individual cases, provided the fire code official shall first make a finding that strict enforcement of this code in the particular situation is impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen life, health, and fire safety requirements. The details of action granting modifications shall be recorded and entered in the files of the building and safety division.

104.9 Alternative materials and methods.

The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. The fire code official is authorized to approve an alternative material or method of construction where the fire code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

104.9.1 Research reports.

Supporting data, when necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

104.9.2 Tests.

Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the fire code official shall have the authority to require tests as evidence of compliance to be made at no expense to the City. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the fire code official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the Building Official for the period required for retention of public records.

104.10 Fire Investigations.

The fire code official, the fire department or other responsible authority shall have the authority to investigate the cause, origin and circumstances of any fire, explosion or other hazardous condition. Information obtained through such investigations that could be related to trade secrets or processes shall not be made part of the public record, except as directed by a court of law.

104.10.1 Assistance from other agencies.

Police and other enforcement agencies shall have authority to render necessary assistance in the investigation of fires when requested to do so.

104.11 Authority at fires and other emergencies.

The fire chief or officer of the fire department in charge at the scene of a fire or other emergency involving the protection of life or property or any part thereof, shall have the authority to direct such operation as necessary to extinguish or control any fire, perform any rescue operation, investigate the existence of suspected or reported fires, gas leaks or other hazardous conditions or situations, or take any other action necessary in the reasonable performance of their duty. In the exercise of such power, the fire chief is authorized to prohibit any person, vehicle, vessel or thing from approaching the scene and is authorized to remove, or cause to be removed or kept away from the scene, any vehicle, vessel or thing which could impede or interfere with the operations of the fire department and, in the judgment of the fire chief, any person not actually and usefully employed in the extinguishing of such fire or in the preservation of property in the vicinity thereof.

104.11.1 Barricades.

The fire chief or officer of the fire department in charge at the scene of an emergency is authorized to place ropes, guards, barricades or other obstructions across any street, alley, place or private property in the vicinity of such operation so as to prevent accidents or interference with the lawful efforts of the fire department to manage and control an emergency situation and to handle fire apparatus.

104.11.2 Obstructing operations.

No person shall obstruct the operations of the fire department in connection with extinguishment or control of any fire, or actions relative to other emergencies, or disobey any lawful command of the fire chief or officer of the fire department in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the fire department.

104.11.3 Systems and devices.

No person shall render a system or device inoperative during an emergency unless by direction of the fire chief or fire department official in charge of the incident.

SECTION 105 PERMITS OR APPROVAL

105.1 General.

105.1.1 Permits or approval required.

Any property owner or authorized agent who intends to conduct an operation or business, or install or modify systems and equipment which is regulated by this code, or to cause any such work to be done, shall first make application to the fire code official or environmental services where noted below and obtain the required permit or approval.

105.1.2 Types of permits or approval.

There shall be two types as follows:

1. Operational. An operation permit or approval allows the applicant to conduct an operation or a business for which a permit or approval is required by Section 105.6 for either:

- 1.1.1 A prescribed period.
- 1.1.2 Until renewed or revoked.

- 2. Construction. A construction permit or approval allows the applicant to install or modify systems and equipment for which a permit or approval is required by Section 105.7.

105.1.3 Multiple permits for the same location.

When more than one permit is required for the same location, the fire code official and/or environmental services staff where noted are authorized to consolidate such permits into a single permit provided that each provision is listed in the permit.

105.2 Application.

Application for a permit or approval required by this code shall be made to the fire code official and/or environmental services where noted in such form and detail as prescribed by the division to which the submittal is being made. Applications for permits or approvals shall be accompanied by such plans as prescribed by the division to which the submittal is being made.

105.2.1 Refusal to issue permit or approval.

If the application for a permit or approval describes a use that does not conform to the requirements of this code or other pertinent laws and ordinances, the fire code official or environmental services shall not issue a permit or grant approval, but shall return the application to the applicant with the refusal to issue such permit or grant approval. Such refusal shall, when requested, be in writing and shall contain the reasons for the refusal

105.2.2 Inspection authorized.

Before a new operational permit is approved or approval is granted, the fire code official or environmental services staff member where noted is authorized to inspect the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used to determine compliance with this code or any operational constraints required.

105.2.3 Time limitation of application.

An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the fire code official and /or environmental services may extend the time for action by the applicant for a period not exceeding one hundred eighty (180) days upon request by the applicant showing that circumstances beyond the control of the applicant have

prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit a new application.

105.2.4 Action of application

The fire code official shall examine or cause to be examined applications for permits and approvals and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the fire code official shall reject such application in writing, stating the reasons therefore. If the fire code official is satisfied that the proposed work or operations conform to the requirements of this code and laws and ordinances applicable therefore, a permit or approval shall be provided as soon as practicable.

105.3 Conditions of a permit or approval.

A permit or approval shall constitute permission to maintain, store or handle materials; or to conduct processes which produce conditions hazardous to life or property; or to install equipment utilized in connection with such activities; or to install or modify a fire protection system or equipment or any other construction, equipment installation or modify any fire protection system or equipment or any other construction, equipment installation or modification in accordance with the provisions of this code where a permit is required by Section 105.6 or 105.7. Such permission shall not be construed as authority to violate, cancel or set aside any of the provisions of this code or other applicable regulations or laws.

105.3.1 Expiration.

An operational permit or approval shall remain in effect until reissued, renewed, or revoked or for such a period of time as specified in the permit or approval. Construction permits shall automatically become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The fire code official and/or environmental services are authorized to grant, to extend the time for action by the applicant for a period not exceeding one hundred eighty (180) days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. In order to renew a permit after expiration, the applicant shall resubmit a new application. Permits are not transferable and any change in operation, tenancy or ownership shall require that a new permit be issued.

105.3.2 Extensions.

An application for a permit or approval for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the fire code official and/or environmental services may extend the time for action by the

applicant for a period not exceeding one hundred eighty (180) days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. In order to renew action on an application after expiration, an applicant must resubmit a new application.

105.3.3 RESERVED.

105.3.4 RESERVED.

105.3.5 RESERVED.

105.3.6 Compliance with code.

The issuance or granting of a permit or approval shall not be construed to be a permit or approval for, or an approval of, any violation of any of the provisions of this code or of any other ordinance. Permits presuming to grant authority to violate or cancel the provision of this code or other ordinances of the City shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the fire code official and/or environmental services from requiring the correction of errors in the construction documents or other data. Any addition to or alteration of approved construction documents shall be approved in advance by the fire code official and/or environmental services, as evidenced by the issuance of a new or amended permit.

105.3.7 Permits or approval.

The fire code official and/or environmental services staff, where noted, shall issue permits or grant approval required by this code.

105.3.8 Validity of permit.

The issuance or granting of a permit or approval shall not be construed to be a permit for, or an approval of any violation of any of the provisions of this code or of any other ordinances. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances shall not be valid. The issuance of a permit or approval based on construction documents, operational documents and other data shall not prevent the fire code official and/or environmental services from requiring correction of errors in the documents or other data.

105.4 Construction documents.

Construction documents shall be in accordance with this section.

105.4.1 Submittals

Construction documents and supporting data shall be submitted in two or more sets with each application for a permit and in such form and detail as required by this code and the Chief Building Official. The construction documents shall be prepared by a registered design professional where required by the statutes.

The fire code official and/or environmental services are authorized to waive the submission of construction documents and supporting data not required to be

prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

105.4.1.1 Examination of documents.

The fire code official and/or environmental services shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the work indicated and described is in accordance with the requirements of this code.

105.4.2 Information on construction documents.

Construction documents shall be drawn to scale upon suitable material. Electronic media documents are allowed to be submitted when approved by the fire code official and/or environmental services. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations as determined by the fire code official and/or environmental service.

105.4.2.1 Fire protection system shop drawings.

Shop drawings for the fire protection system(s) shall be submitted to indicate compliance with this code and the construction documents, and shall be approved by the fire code official prior to the start of installation. Shop drawings shall contain all information as required by the reference installation standards in Chapter 9.

105.4.3 Applicant responsibility.

It shall be the responsibility of the applicant to ensure that the construction documents include all of the fire protection requirements and the shop drawings are complete and in compliance with the applicable codes and standards.

105.4.4 Approved documents.

Construction documents shall be approved with the intent that such construction documents comply in all respects with this code. Review and approval by the fire code official and/or environmental services shall not relieve the applicant of the responsibility to comply with this code.

105.4.4.1 Phased approval.

The fire code official and/or environmental services where applicable are authorized to issue a permit for the construction of part of a structure, system or operation before the construction documents for the whole structure, system or operation have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for parts of a structure, system or operation shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure, system or operation will be granted.

105.4.5 Corrected documents.

Where field conditions necessitate any substantial change from the approved construction documents, the fire code official and/or environmental services where applicable, shall have the authority to require the corrected construction documents to be submitted for approval.

105.4.6 Retention of construction documents.

One set of construction documents shall be retained by the Building Official for a period of not less than 180 days from the date of completion of the permitted work, or as required by state or local laws. One set of approved construction documents shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

105.5 Revocation

The fire code official and/or environmental services where noted in section 105.7 below are authorized to revoke a permit or approval issued under the provisions of this code when it is found by inspection or otherwise that there has been a false statement or misrepresentation as to the material facts in the application or construction documents on which the permit or approval was based including, but not limited to, any one of the following:

1. The permit is used for a location or establishment other than that for which it was issued.
2. The permit is used for a condition or activity other than that listed in the permit.
3. Conditions and limitations set forth in the permit have been violated.
4. There have been any false statements or misrepresentations as to a material fact in the application for permit or plans submitted or a condition of the permit.
5. The permit is used by a different person or firm than the name for which it is issued.
6. The permittee failed, refused or neglected to comply with orders or notices duly served in accordance with the provisions of this code within the time provided therein.
7. The permit was issued in error or in violation of an ordinance, regulation or this code.

105.6 Required operational permits or approval.

The fire code official or environmental services staff are authorized to issue operational permits or grant approvals for the operations set forth in Sections 105.6.1 through 105.6.46.

105.6.1 Aerosol products.

An operational permit or approval is required to manufacture, store or handle an aggregate quantity of Level 2 or Level 3 Aerosol products in excess of 500 pounds (227kg) net weight.

105.6.2 Amusement buildings

An operational permit or approval is required to operate a special amusement building.

105.6.3 Aviation facilities

An operational permit or approval is required to use Group H or Group S occupancy for air-craft servicing or repair and aircraft fuel-servicing vehicles. Additional permits or approvals required by other sections of this code include, but are not limited to, hot work, hazardous materials and flammable or combustible finishes.

105.6.4 Carnivals and fairs

An operational permit or approval is required to conduct a carnival or fair.

105.6.5 Cellulose nitrate film.

An operational permit or approval is required to store, handle or use cellulose nitrate film in a Group A occupancy.

105.6.6 Combustible dust-producing operations

An operational permit or approval is required to operate a grain elevator, flour starch mill, feed mill, or a plant pulverizing aluminum, coal, cocoa, magnesium, spices or sugar, or other operations producing combustible dusts as defined in Chapter 2.

105.6.7 Combustible fibers

An operational permit or approval is required for the storage and handling of combustible fibers in quantities greater than 100 cubic feet.

105.6.8 Compressed gases

An operational permit or approval is required for the storage, use or handling at normal temperature and pressure (NTP) of compressed gases in excess of the amounts listed in Table 105.6.8.

An exception is applicable to vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.

Table 105.6.8.
PERMIT AMOUNTS FOR COMPRESSED GASES

Type of Gas	Amount (cubic feet at NTP)
Corrosive	200
Flammable (except cryogenic fluids and liquefied petroleum gases)	200
Highly toxic	Any amount
Inert and simple asphyxiant	6,000
Oxidizing (including oxygen)	504

Pyrophoric	Any amount
Toxic	Any amount

105.6.9 Covered mall buildings.

An operational permit or approval is required for:

1. The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in a mall.
2. The display of liquid- or gas-fired equipment in a mall.
3. The use of open-flame or flame-producing equipment in a mall.

105.6.10 Cryogenic fluids.

An operational permit or approval is required to produce, store, transport on site, use, handle or dispense cryogenic fluids in excess of the amounts listed in Table 105.6.10.

An exception is established in that permits are not required for vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading.

**Table 105.6.10
PERMIT AMOUNTS FOR CRYOGENIC FLUIDS**

TYPE OF CRYOGENIC FLUID	INSIDE BUILDING (gallons)	OUTSIDE BUILDING (gallons)
Flammable	More than 1	60
Inert	60	500
Oxidizing (include oxygen)	10	50
Physical or health hazard not indicated above	Any Amount	Any Amount

105.6.11 RESERVED.

105.6.12 Dry cleaning.

An operational permit or approval is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry cleaning equipment.

105.6.13 Exhibits and trade shows.

An operational permit or approval is required to operate exhibits and trade shows.

105.6.14 Explosives.

An operational permit or approval is required for the manufacture, storage, handling, sale or use of any quantity of explosives, explosive materials, fireworks or pyrotechnic special effects within the scope of Chapter 56.

An exception is established for storage in Group R-3 occupancies of smokeless propellant, black powder and small arms primers for personal use, not for resale and in accordance with Section 5606.

105.6.15 Fire hydrants and valves.

An operational permit is required to use or operate fire hydrants or valves intended for fire suppression purposes that are installed on water systems and accessible to a fire apparatus access road that is open to or generally used by the public.

An exception is established in that a permit is not required for authorized employees of the water company that supplies the system or the fire department to use or operate fire hydrants or valves.

105.6.16 Flammable and combustible liquids.

An operational permit or approval is required:

1. To use or operate a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the off-site transportation in pipelines regulated by the Department of Transportation (DOT) nor does it apply to piping systems.
2. To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following:
 - 2.1. The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the environmental services staff, would cause an unsafe condition.
 - 2.2. The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.
3. To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment.
4. To store, handle or use Class IIB or Class IIIA liquids in excess of 25 gallons (95L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil burning equipment.

5. To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.
6. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.
7. To place temporarily out of service (for more than 90 days) an underground, protected above-ground or above-ground flammable or combustible liquid tank.
8. To change the type of contents stored in a flammable or combustible liquid tank to a material which poses a greater hazard than that for which the tank was designed and constructed.
9. To manufacture, process, blend or refine flammable or combustible liquids.
10. To engage in the dispensing of liquid fuels into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments.
11. To utilize a site for the dispensing of liquid fuels from tank vehicles into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments.

105.6.17 Floor finishing.

An operational permit or approval is required for floor finishing or surfacing operations exceeding 350 square feet (33 m²) using Class I or Class II liquids.

105.6.18 Fruit and crop ripening.

An operational permit or approval is required to operate a fruit-, or crop-ripening facility or conduct a fruit-ripening process using ethylene gas.

105.6.19 Fumigation and thermal insecticidal fogging.

An operational permit or approval is required to operate a business of fumigation or thermal insecticidal fogging and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used.

105.6.20 Hazardous materials.

An operational permit or approval is required to store, transport on site, dispense,

use or handle hazardous materials in excess of the amounts listed in Table 105.6.20.

**TABLE 105.6.20
PERMIT AMOUNTS FOR HAZSARDOUS MATERIALS**

Type of Material	Amount
Combustible liquids	See Section 105.6.16
Corrosive materials Gases Liquids Solids	See Section 105.6.8 55 gallons 500 pounds
Explosive materials	See Section 105.6.14
Flammable materials Gases Liquids Solids	See Section 105.6.8 See Section 105.6.16 100 pounds
Highly toxic materials Gases Liquids Solids	See Section 105.6.8 Any Amount Any Amount
Oxidizing materials Gases Liquids Class 4 Class 3 Class 2 Class 1 Solids Class 4 Class 3 Class 2 Class 1	See Section 105.6.8 Any Amount 1 gallon 10 gallons 55 gallons Any Amount 10 pounds 100 pounds 500 pounds
Organic peroxides Liquids Class I Class II Class III Class IV Class V Solids Class I Class II Class III Class IV Class V	 Any Amount Any Amount 1 gallon 2 gallon No Permit Required Any Amount Any Amount 10 pounds 20 pounds No Permit Required

Pyrophoric materials Gases Liquids Solids	Any Amount Any Amount Any Amount
Toxic materials Gases Liquids Solids	See Section 105.6.8 10 gallons 100 pounds
Unstable (reactive) materials Liquids Class 4 Class 3 Class 2 Class 1 Solids Class 4 Class 3 Class 2 Class 1	Any Amount Any Amount 5 gallons 10 gallons Any Amount Any Amount 50 pounds 100 pounds
Water-reactive materials Liquids Class 3 Class 2 Class 1 Solids Class 3 Class 2 Class 1	Any Amount 5 gallons 55 gallons Any Amount 50 pounds 500 pounds

105.6.21 HPM facilities.

An operational permit or approval is required to store, handle or use hazardous production materials

105.6.22 High-piled storage.

An operational permit is required to use a building or portion thereof as a high-piled storage area exceeding 500 square feet.

105.6.23 Hot work operations.

An operational permit or approval is required for hot work including, but not limited to:

1. Public exhibitions and demonstrations where hot work is conducted.
2. Use of portable hot work equipment inside a structure, except where such work is conducted under a construction permit.
3. Fixed-site hot work equipment, such as welding booths.
4. Hot work conducted within a wildfire risk area.

105.6.24 Industrial ovens.

An operational permit or approval is required for operations of industrial ovens regulated by Chapter 30.

105.6.25 Lumber yards and woodworking plants.

An operational permit or approval is required for the storage or processing of lumber exceeding 100,000 board feet.

105.6.26 Liquid- or gas-fueled vehicles or equipment in assembly buildings.

An operational permit or approval is required to display, operate or demonstrate liquid- or gas- fueled vehicles or equipment in assembly buildings.

105.6.27 LP-gas.

An operational permit or approval is required for:

1. Storage and use of LP-gas, except that a permit is not required for individual containers with a 500-gallon (1893 L) water capacity or less serving occupancies in Group R-3.
2. Operation of cargo tankers that transport LP-gas.

105.6.28 Magnesium.

An operational permit or approval is required to melt, cast, heat treat or grind more than 10 pounds (4.54 kg) of magnesium.

105.6.29 Miscellaneous combustible storage.

An operational permit or approval is required to store in any building or upon any premises in excess of 2,500 cubic feet (71 m³) gross volume of combustible empty packing cases, boxes, barrels or similar containers, rubber tires, rubber, cork or similar combustible material.

105.6.30 Open burning.

An operational permit or approval is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground, except for recreational fires in approved containers.

105.6.31 Open flames and torches.

An operational permit or approval is required to remove paint with a torch; or to use a torch or open-flame device in a hazardous fire area.

105.6.32 Open flames and candles.

An operational permit is required to use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments.

105.6.33 Organic coatings.

An operational permit or approval is required for any organic-coating manufacturing operation producing more than 1 gallon (4 L) of an organic coating in one day.

105.6.34 Places of assembly.

An operational permit is required to operate a place of assembly.

105.6.35 Private fire hydrants.

An operational permit is required for the removal from service, use or operation of private fire hydrants, except that a permit is not required for private industry with trained maintenance personnel, private fire brigades or fire departments to maintain, test and use private hydrants.

105.6.36 Pyrotechnic special effects material.

An operational permit or approval is required for the use and handling of pyrotechnic special effects material.

105.6.37 Pyroxylin plastics.

An operational permit or approval is required for storage or handling of more than 25 pounds (11 kg) of cellulose nitrate (pyroxylin) plastics and for the assembly or manufacture of articles involving pyroxylin plastics.

105.6.38 Refrigeration equipment.

An operational permit or approval is required to operate a mechanical refrigeration unit or system regulated by Chapter 6.

105.6.39 Repair garages and motor fuel-dispensing facilities.

An operational permit or approval is required for operation of repair garages and automotive, marine and fleet motor fuel-dispensing facilities.

105.6.40 Rooftop heliports.

An operational permit or approval is required for the operation of a rooftop heliport.

105.6.41 Spraying or dipping.

An operational permit or approval is required to conduct a spraying or dipping operation utilizing flammable or combustible liquids or the application of combustible powders regulated by Chapter 15.

105.6.42 Storage of scrap tires and tire byproducts.

An operational permit or approval is required to establish, conduct or maintain storage of scrap tires and tire byproducts that exceed 2,500 cubic feet (71 m³) of total volume of scrap tires and for indoor storage of tires and tire byproducts.

105.6.43 RESERVED

105.6.44 Tire-rebuilding plants.

An operational permit or approval is required for the operation and maintenance of a tire-rebuilding plant.

105.6.45 Waste handling.

An operational permit or approval is required for the operation of wrecking yards, junk yards and waste material-handling facilities.

105.6.46 Wood products.

An operational permit or approval is required to store chips, hogged material, lumber or plywood in excess of 200 cubic feet.

105.6.47 Additional permits.

In addition to the permits or approvals required by Section 105.6, the following permits or approvals shall be obtained prior to engaging in the following activities, operations, practices or functions:

- 1. Production facilities.**

To change use or occupancy, or allow the attendance of a live audience, or for wrap parties.

2. Pyrotechnics and special effects.

To use pyrotechnic special effects, open flame, use of flammable or combustible liquids and gases, welding, and the parking of motor vehicles in any building or location used for the purpose of motion picture, television and commercial production.

3. Live audiences

To install seating arrangements for live audiences in approved production facilities, production studios and sound stages. See Chapter 48.

105.7 Required construction permits.

The fire code official and/or environmental services are authorized to issue construction permits or approvals for work as set forth in Sections 105.7.1 through 105.7.16

105.7.1 Automatic fire-extinguishing systems.

A construction permit is required for installation of or modification to an automatic fire-extinguishing system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

105.7.2 Battery systems.

A permit or approval is required to install stationary storage battery systems having a liquid capacity of more than 50 gallons.

105.7.3 Compressed gases.

When the compressed gases in use or storage exceed the amounts listed in Table 105.6.8, a construction permit or approval is required to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a compressed gas system.

Exceptions:

1. Routine maintenance.
2. For emergency repair work performed on an emergency basis, an application for a permit or approval shall be made within two

working days of commencement of work.

105.7.4 Cryogenic fluids.

A construction permit or approval is required for installation of or alteration to outdoor stationary cryogenic fluid storage systems where the system capacity exceeds the amounts listed in Table 105.6.10. Maintenance performed in accordance with this code is not considered an alteration and does not require a construction permit.

105.7.5 Emergency responder radio coverage system.

A construction permit is required for installation of or modification to emergency responder radio coverage systems and related equipment. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

105.7.6 Fire alarm and detection systems and related equipment.

A construction permit is required for installation of or modification to fire alarm and detection systems and related equipment. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

105.7.7 Fire pumps and related equipment.

A construction permit is required for installation of or modification to fire pumps and related fuel tanks, jockey pumps, controllers and generators. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

105.7.8 Flammable and combustible liquids.

A construction permit is required:

1. To install, repair or modify a pipeline for the transportation of flammable or combustible liquids.
2. To install, construct or alter tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.
3. To install, alter, remove, abandon or otherwise dispose of a flammable or combustible liquid tank.

105.7.9 Hazardous materials.

A construction permit or approval is required to install, repair damage to, abandon, remove, place temporarily out of service, close or substantially modify a storage facility or other area regulated by Chapter 50 when the hazardous materials in use or storage exceed the amounts listed in Table 105.6.20.

Exceptions shall include the following:

1. Routine maintenance.
2. For emergency repair work performed on an emergency basis, application for a permit or approval shall be made within two working days of commencement of work.

105.7.10 Industrial ovens.

A construction permit or approval is required for installation of industrial ovens covered by Chapter 30, except for:

1. Routine maintenance.
2. For repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

105.7.11 LP-gas.

A construction permit or approval is required for installation of or modification to an LP-gas system.

105.7.12 Private fire hydrants.

A construction permit is required for the installation or modification of private fire hydrants.

105.7.13. RESERVED

105.7.14 Spraying or dipping.

A construction permit is required to install or modify a spray room, dip tank or booth.

105.7.15 Standpipe systems.

A construction permit is required for the installation, modification or removal from service of a standpipe system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

105.7.16 Temporary membrane structures and tents.

An operational permit is required to operate an air-supported temporary membrane structure or a tent having an area in excess of 400 square feet, except for:

1. Tents used exclusively for recreational camping purposes.
2. Tents open on all sides, which comply with all of the following:
 - 2.1 Individual tents having a maximum size of 700 square feet.
 - 2.2 The aggregate area of multiple tents placed side by side without a fire break clearance of not less than 12 feet shall not exceed 700 square feet total.
 - 2.3 A minimum clearance of 12 feet to structures and other tents shall be provided.

SECTION 106 INSPECTIONS

106.1 Inspection authority.

The fire code official is authorized to enter and examine any building, structure, marine vessel, vehicle or premises in accordance with Section 104.3 for the purpose of enforcing this code.

106.2 Inspections

The fire code official is authorized to conduct such inspections as are deemed necessary to determine the extent of compliance with the provisions of this code and to approve reports of inspection by approved agencies or individuals. All reports of such inspections shall be prepared and submitted in writing for review and approval. Inspection reports shall be certified by a responsible officer of such approved agency or by the responsible individual. The fire code official is authorized to engage such expert opinion as he or she determines necessary to report upon unusual, detailed or complex technical issues subject to the approval of the City Council.

106.2.1 Inspection requests.

It shall be the duty of the holder of the permit or their duly authorized agent to notify the fire code official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

106.2.2 Approval required.

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the fire code official. The fire code official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected, and such portion shall not be covered or concealed until authorized by the fire code official and/or environmental services.

106.3 Concealed work.

It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Whenever any installation subject to inspection prior to use is covered or concealed without having first been inspected, the fire code official shall have the authority to require that such work be exposed for inspection. Neither the fire code official nor the City shall be liable for expenses or costs incurred in the removal or replacement of any material required to allow inspection.

106.4 Approvals.

Approval as the result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the City of San Leandro. Inspections presuming to give authority to violate or cancel provisions of this code or of other ordinances shall not be valid.

SECTION 107 MAINTENANCE

107.1 Maintenance of safeguards.

Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, or any other feature is required for compliance with the provisions of this code, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with this code and applicable referenced standards.

107.2 Testing and operation.

Equipment requiring periodic testing or operation to ensure maintenance shall be

tested or operated as specified in this code.

107.2.1 Test and inspection records.

Required test and inspection records shall be available to the fire code official at all times or such records as the fire code official designates shall be filed with the fire code official.

107.2.2 Re-inspection and testing.

Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the fire code official for inspection and testing.

107.3 Supervision.

Maintenance and testing shall be under the supervision of a responsible person who shall ensure that such maintenance and testing is conducted at specified intervals in accordance with this code.

107.4 Rendering equipment inoperable.

Portable or fixed fire-extinguishing systems or devices and fire-warning systems shall not be rendered inoperative or inaccessible except as necessary during emergencies, maintenance, repairs, alterations, drills or prescribed testing.

107.5 Owner/occupant responsibility.

Correction and abatement of violations of this code shall be the responsibility of the owner. If an occupant creates, or allows to be created, hazardous conditions in violation of this code, the occupant shall be held responsible for the abatement of such hazardous conditions.

107.6 Overcrowding.

Overcrowding or admittance of any person beyond the approved capacity of a building or a portion thereof shall not be allowed. The fire code official, upon finding any overcrowding conditions or obstructions in aisles, passageways or other means of egress, or upon finding any condition which constitutes a life safety hazard, shall be authorized to cause the event to be stopped until such condition or obstruction is corrected.

SECTION 108

BOARD OF APPEALS

108.1 Board of appeals established.

The Board of Appeals created under Article 1 of Title VII, Chapter 5, and defined in Chapter 1, Section 112.1 of Title VII, Chapter 5 of the San Leandro Municipal Code or Section 113 of the San Leandro Building Code shall hear and decide appeals of orders, decisions, or determinations made by the Fire Code Official. The Fire Code Official shall be an ex officio member, shall act as Secretary to the Board, and shall have no right to vote.

108.2 Limitations on Authority.

An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The Building Board of Appeals shall have no authority relative to interpretation of the administrative provisions of, nor shall the board be empowered to waive requirements of, the San Leandro Municipal Code including all construction codes adopted by reference and the Dangerous Building Code.

108.3 RESERVED.

SECTION 109

VIOLATIONS

109.1 Unlawful acts.

It shall be unlawful for a person firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

109.2 Owner/Occupant responsibility.

Correction and abatement of violations of this code shall be the responsibility of the owner. If an occupant creates, or allows to be created, hazardous conditions in violation of this code, the occupant and the owner shall be held jointly and severally responsible for the abatement of such hazardous conditions.

109.3 Notice of violations.

When the fire code official and/or environmental services finds a building, premises, vehicle, storage facility or outdoor area that is in violation of this code, the fire code official and/or environmental services are authorized to prepare a

written notice of violation describing the conditions deemed unsafe and, when compliance is not immediate, specifying a time for re-inspection.

109.3.1 Service

A notice of violation issued pursuant to this code shall be served upon the owner, operator, occupant or other person responsible for the condition or violation, either by personal service, mail or by delivering the same to, and leaving it with, a person with responsibility for the premises. For unattended or abandoned locations, a copy of such notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice of violation shall be mailed by certified mail with return receipt requested or a certificate of mailing, to the last known address of the owner, occupant or both.

109.3.2 Compliance with orders and notices

A notice of violation issued or served as provided by this code shall be complied with by the owner, operator, occupant or other person responsible for the condition or violation to which the notice of violation pertains.

109.3.3 Prosecution of violations.

If the notice of violations is not complied with promptly, the fire code official is authorized to request that the City Attorney institute the appropriate legal proceedings at law or in equity to restrain, correct or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant hereto.

109.3.4 Unauthorized tampering

Signs, tags or seals posted or affixed by the fire code official shall not be mutilated, destroyed or tampered with, or removed, without authorization from the fire code official.

109.4 Violation Penalties.

Persons who violate any provision of this code or fail to comply with any of the requirements thereof or who erect, install, alter, repair or do work in violation of the approved construction documents or directives of the fire code official and/or environmental services, or of a permit or certificate issued under provisions of this code, shall be subject to penalties as prescribed by law and the San Leandro Municipal Code.

SECTION 110 UNSAFE

110.1 General

If during the inspection of a premises, a building or structure, or any building system, in whole or in part, constitutes a clear and present threat to life, safety or health, the fire code official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section, and shall refer the building to the Chief Building Official for any repairs, alterations, remodeling, removing or demolition required.

110.1.1 Unsafe conditions.

Structures or existing equipment that are or hereafter become unsafe or deficient because of inadequate means of egress or which constitute a fire hazard, or are otherwise dangerous to life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. A vacant structure that is not secured against unauthorized entry as required by the San Leandro Building Code shall be deemed unsafe.

110.1.2 Structural hazards.

When an apparent structural hazard is caused by the faulty installation, operation or malfunction of any of the items or devices governed by this code, the fire code official shall immediately notify the Building Official in accordance with Section 110.1

110.2 Evacuation.

The fire code official or the fire department official in charge of an incident shall be authorized to order the immediate evacuation of any occupied building deemed unsafe when such building has hazardous conditions that present imminent danger to building occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the fire code official or the fire department official in charge of the incident.

110.3 Summary abatement.

Where conditions exist that are deemed hazardous to life and property, the fire code official or fire department official in charge of the incident is authorized to abate summarily such hazardous conditions that are in violation of this code.

110.4 Abatement.

The owner, operator or occupant of a building or premises deemed unsafe by the fire code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

SECTION 111 STOP WORK ORDER

111.1 Order

Whenever the fire code official and/or environmental services finds any work regulated by this code being performed in a manner contrary to the provisions of this code, or in a dangerous or unsafe manner, the fire code official or environmental services are authorized to issue a stop work order.

111.2 Issuance

A stop work order shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person or entity doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work is authorized to resume.

111.3 Emergencies

Where an emergency exists, the fire code official shall not be required to give a written notice prior to stopping the work.

111.4 Failure to comply

Any person who continues any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be found in violation of the San Leandro Municipal Code, and subject to enforcement and penalties.

111.5 Appeals

Shall be in accordance with section 114.8 of the San Leandro Building Code.

SECTION 112 UTILITY SERVICE

112.1 Authority to disconnect utilities.

The fire code official shall have the authority to authorize disconnection of utility service to any building, structure or system in order to safely execute emergency operations or to eliminate an immediate hazard. The fire code official shall notify the servicing utility and, whenever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action if not notified prior to disconnection. The owner or occupant of the building, structure or service system shall be notified in writing as soon as practical

thereafter.

SECTION 113 FEES

113.1 FEES.

A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

113.2 Schedule of permit fees.

Fees shall be assessed for permits and associated plan review in accordance with the fee schedule established by the San Leandro City Council as set forth in Title 6 Chapter 4 of the San Leandro Administrative Code.

113.3 RESERVED.

113.4 Related fees.

The payment of a fee for the construction, alteration, removal or demolition of work done in connection to, or concurrently with, the work or activity authorized by a permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

113.5 Refunds.

Refunds shall be issued in accordance with the provisions of Section 109 in the San Leandro Building Code.

113.6 Fee Schedule.

Fees shall be assessed for permits and associated plan review in accordance with the fee schedule established by the San Leandro City Council as set forth in Title 6 Chapter 4 of the San Leandro Administrative Code.

ARTICLE 2. ADDITIONS, DELETIONS AND AMENDMENTS

Section 3-3-200: RESERVED

Section 3-3-205: RESERVED

Section 3-3-210: BALED STORAGE

Section 5205.3 is hereby added to read as follows:

Baled storage under any roof or overhead shall be protected by an automatic sprinkler system installation in accordance with applicable N.F.P.A. Standards and meeting the approval of the Fire Code Official.

Section 3-3-215: Violation Penalties

Section 109.3 is hereby amended , to read as follows:

109.3 Violation Penalties.

Persons who violate a provision of this code or fail to comply with any of the requirements thereof or who erect, install, alter, repair or do work in violation of the approved construction documents or directives of the fire code official or environmental services, or of a permit or certificate used under provisions of this code, shall be subject to penalties as prescribed by law.

Section 3-3-220: RESERVED

Section 3-3-225: RESERVED

Section 3-3-230: RESERVED

Section 3-3-235: RESERVED

Section 3-3-240: RESERVED

Section 3-3-245: DISPENSING DEVICES

Section 2306.7.3.1 is hereby amended with the addition of the following:

Mounting of dispensers. Remote islands using piping that is buried underground shall be constructed and monitored according to California Code Regulations, Title 23, Division 3, Chapter 16.

Section 3-3-250: RESERVED

Section 3-3-255: RESERVED

Section 3-3-260: AUTOMATIC SPRINKLER SYSTEMS.

Section 903.2.20 is hereby added to the Fire Code to read as follows;

(a) The following requirements shall be in addition to those set forth in Section 903.1.

(b) Automatic sprinkler systems shall be installed and maintained in

operable condition as specified in this Article and NFPA Standard 13, in all buildings or structures.

0. Of occupancy classifications A-1, A-3, A-4, B, E, F-1, M, S-1, and U of type IIN, II-1 hour, IIN, IV, V-1 hour or VN construction, the total floor are of which exceeds 7,500 square feet.
 1. Of all occupancy classifications, A-1, A-3, A-4, B, E, F-1, M, S-1, U of type 1 or II – fire resistive construction, the total floor area of which exceeds 10,000 square feet.
 1. Of all occupancy classification, irrespective of construction type, the overall height of which exceeds 45 feet. Building height shall be determined in accordance with the Building Code.
- (c) The provisions of this section shall apply to existing buildings or structures (except R3, R3.1 and R4 occupancies) when, over any three year period:
- 1) Permits for additions and alterations increase the floor area by 25 percent.
 - 2) Permit valuation for additions, alterations, repairs or other modifications, individually or cumulatively, exceeds 25 percent of building valuation as determined by the building official.

Section 3-3-265: RESERVED

Section 3-3-270: RESERVED

Section 3-3-275: RESERVED

Section 3-3-280: RESERVED

Section 3-3-285: RESERVED

Section 3-3-290: RESERVED

Section 3-3-295: Appendix D – Fire Apparatus Access Roads

Figure D103.1 Dead-End Fire Apparatus Access Road Turnaround is amended as follows:

The “Y” and “Hammerhead configurations shall be 70’ “Y”, 140’ Hammerhead, and Acceptable Alternative to 140’ Hammerhead. All other configurations remain the same.

Sections D104, D105, D106, D107 and D108 are hereby deleted.

ARTICLE 3.HAZARDOUS MATERIALS

Section 3-3-300: RELEASE OF HAZARDOUS MATERIALS; CLEANUP OR ABATEMENT; LIABILITY FOR COSTS.

(a) Additional Authority. The authority and remedies provided by this section are in addition to those provided by any local, state or federal law.

(b) Fire Department Clean Up And Abatement. The Fire Department is authorized to clean-up or abate the effects of any hazardous material or any other material that is unlawfully released, discharged or deposited by a person or persons upon, under or into property or facilities within the City.

(c) Study Order. In the event the City Manager or his or her designee reasonably believes that a release, discharge or deposit of hazardous material may have occurred upon, under or into property or facilities within the City, the City Manager or his or her designee may order investigative studies to be performed by any of those parties listed in subsection (g). Such studies shall include data on the nature and extent of the release. The person or persons ordered to perform studies pursuant to this subsection shall bear the costs of such studies.

(d) Clean Up Order. In the event that the City Manager or his or her designee determines that a release, discharge or deposit of hazardous material upon, under or into property or facilities within the City poses a threat to the public health, safety or welfare or to the environment, the City Manager or his or her designee may order any person or persons listed in subsection (g) to clean up or abate the hazardous material at said person or person's costs.

(e) Supervision And Verification. In the event that any person or persons undertakes, either voluntarily or upon order of the City Manager or his or her designee, to clean up or abate the effects of any hazardous material or any other material that is unlawfully released, discharged or deposited upon, under or into any property or facility within the City, the City Manager or his or her designee may take such action as is necessary to supervise or verify the adequacy of such cleanup or abatement. The person or persons described in subsection (g) shall be liable to the City for all costs incurred as a result of such supervision or verification.

(f) Access to Property. In the event the City Manager, or his or her designee, reasonably believes that a release, discharge or deposit of hazardous material may have occurred upon, under or into property or facilities within the City, the City Manager, or his or her designee, may request the owner of said property and any tenant thereon to grant its/their consent to the City or to the City's authorized

contractor to enter onto said property for the purpose of taking samples of matter suspected of containing hazardous materials. If such consent is obtained, the City, or the City's authorized contractor, may enter said property to take such samples.

If either the owner of said property or any tenant thereon refuses to grant its/their consent to such sampling, the City Manager or his or her designee may request the City Attorney to obtain all necessary judicial orders and approval for entry onto the property for sampling purposes. All costs incurred by the City, including all legal fees and costs, in obtaining judicial approval to sample hazardous materials pursuant to this subsection shall be recoverable from any property owner or tenant who refused the City access to the property.

(g) Responsible Parties. The following described persons shall be jointly and severally liable to the City for the payment of all costs incurred by the City as a result of any activity undertaken by the City pursuant to subsections (b), (c), (d) and (e):

- (1) The person or persons whose act or omission caused such release, discharge or deposit without regard to fault or proximate cause; or
- (2) The person or persons who owned or had custody or had control of the material at the time of such release, discharge, or deposit, without regard to fault or proximate cause; or
- (3) The person or persons who owned or had custody or had control of the container which held such material at the time of or immediately prior to such release, discharge or deposit, without regard to fault or proximate cause; or
- (4) The person or persons who own any property interest in the property or facilities where such release, discharge or deposit of hazardous material has occurred.

(h) Definitions. For purposes of this section, the following definitions shall apply:

- (1) "hazardous material" means any material that, because of quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health or safety or to the environment if released into the environment. "Hazardous material" includes, but is not limited to, hazardous substances, hazardous wastes, and any material which the Fire Department has a reasonable basis for believing would be injurious to the health and safety of persons or harmful to the environment if released into the environment.
- (2) as used in subsections (b) and (e) of this section, "other material"

shall mean any material, whether or not in fact a hazardous material, which is unidentified or unidentifiable at the time of the Fire Department's response and which the City Manager or his or her designee reasonably believes may be hazardous material.

(3) "person or persons" shall include any natural person or persons, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, government entity or the manager, lessee, agent, servant, officer or employee of any of them.

(i) Costs. For purposes of this section, costs incurred and recoverable by the City shall include, but shall not be limited to, the following: actual labor costs of City personnel, including benefits and administrative overhead; costs of equipment operation; cost of materials obtained directly by the City; cost of any contract labor, services, equipment and materials; and costs of suit and attorney's fees and costs.

(j) Account. The Finance Director shall establish a separate "Cost Recovery - Hazardous Materials Cleanup" account. All costs of clean-up and abatement carried out pursuant to the authority granted by this section, including but not limited to investigation, personnel, equipment, materials, legal fees and costs, and experts, shall be billed to this account. Upon recovery of any clean-up or abatement costs pursuant to this section, all such costs shall be reimbursed to those City departments and offices in an amount proportionate to their actual costs expended in said clean-up and abatement.

(k) Legal Action. In the event a person or persons fail(s) to comply with an order issued pursuant to subsections (c) or (d), the City Attorney may bring an action for a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant. The City's costs in bringing such action, including those costs defined in subsection (i), shall be recoverable by the City.

In the event any person or persons fails to pay the City any costs due the City pursuant to this section, the City may place a lien on said person or persons' property, or, the City Attorney may, at the request of the City Council, bring a civil action for collection of such costs.

(l) Fire Suppression Costs Excluded. The authority to recover costs incurred under this section shall not include actual fire suppression services that are normally or usually provided by the Fire Department.

(m) Discretionary Nature of This Section. The provisions hereof are discretionary and not ministerial. Accordingly, the City shall not be liable to any person or to the public in general for failure or refusal to take any action authorized by this ordinance."